

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of S.K.B., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JEAN BAILEY,

Respondent-Appellant.

UNPUBLISHED

July 12, 2002

No. 236724

Grand Traverse Circuit Court

Family Division

LC No. 01-000175-NA

Before: Hood, P.J., and Saad and E. M. Thomas*, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her daughter pursuant to MCL 712A.19b(3)(b)(i), (g), and (j).¹ We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

We hold that the trial court did not clearly err in finding that petitioner established one or more statutory grounds for termination of respondent's parental rights. Petitioner took custody of the child shortly after birth based on evidence that respondent failed to protect two other children from repeated sexual abuse.² The evidence showed that respondent failed to express

¹ The trial court's order also terminated the parental rights of non-participating defendant Richard Ferguson, the child's putative father. Ferguson has not appealed the order.

² Respondent voluntarily relinquished her parental rights to those children.

* Circuit judge, sitting on the Court of Appeals by assignment.

concern about the abuse, and in fact denied that it occurred. How a parent treats one child is probative of how the parent might treat another child. See *In re Powers*, 208 Mich App 582, 593; 528 NW2d 799 (1995). Respondent's lack of concern about the abuse of her other children was probative of her ability to protect this child from similar abuse.

Counselors with whom respondent treated opined that respondent was unable to set appropriate boundaries for herself, and thus could not be expected to provide proper care for a child. The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that a sibling of the child suffered sexual abuse which respondent failed to prevent and it was reasonably likely that this child would suffer similar abuse if placed in respondent's home, MCL 712A.19b(3)(b)(i), that respondent failed to provide proper care or custody and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that it was reasonably likely that the child would be harmed if returned to respondent's home, MCL 712A.19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCR 5.974(I); *Trejo*, *supra*.

Affirmed.

/s/ Harold Hood
/s/ Henry William Saad
/s/ Edward M. Thomas